

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
EVELYN GAINES, individually and as mother and  
natural guardian of TYLER GAINES,

Case Management Plan

Plaintiff,

v.

08-CV-4229 (RMB) (GWW)

DISTRICT COUNCIL 1707 HEALTH AND INSURANCE  
FUND, DISTRICT COUNCIL 1707 HEALTH and  
BENEFIT FUND and THE BOARD OF TRUSTEES  
OF THE DISTRICT COUNCIL 1707 HEALTH AND  
INSURANCE FUND,

Defendants.  
-----X

The following Case Management Plan is entered after consultation with the parties.  
This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal  
Rules of Civil Procedure.

- (i) Joinder of additional parties by October 10, 2008.
- (ii) Amend the pleadings by October 10, 2008.
- (iii) All discovery to be **expeditiously** completed by December 10, 2008. ~~10/15/08~~
- (iv) Consent to Proceed before Magistrate Judge: No
- (v) Status of settlement discussions: The parties cannot reach agreement at this time. Issues of application of various state and federal laws must be determined. **10/16/08 @ 10:00 AM with pm update**

Sections vi through xi will be set at conference with the Court.

- (vi) Motions \_\_\_\_\_
- (vii) Oral Argument \_\_\_\_\_
- (viii) Joint pre-trial Order to be submitted by \_\_\_\_\_
- (ix) Final Pre-Trial Conference \_\_\_\_\_
- (x) Trial \_\_\_\_\_
- (xi) Other \_\_\_\_\_

SO ORDERED: New York, New York

6/10/08

RMB

Hon. Richard M. Berman, U.S.D.J.